

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KENNETH THOMAS, JR.,

Plaintiff,

v.

CORRECTIONS OFFICER HOPF,

Defendant.

Case No. C19-1766-JCC-MLP

ORDER

This is a 42 U.S.C. § 1983 prisoner civil rights action. On January 29, 2021, the Honorable John C. Coughenour rejected this Court's previously submitted Report and Recommendation (dkt. # 41), denied Defendant's Motion for Summary Judgment for Failure to Exhaust Administrative Remedies (dkt. # 19) and recommitted this matter to the undersigned for further proceedings. (Order (Dkt. # 44) at 6.) In his Order, Judge Coughenour agreed with this Court that Plaintiff failed to exhaust his administrative remedies, but concluded Defendant failed to demonstrate the Snohomish County Jail provided an available grievance procedure to inmates. (*Id.*) Judge Coughenour did not express an opinion on whether the Court should allow for an additional round of summary judgment briefing, provide for an evidentiary hearing, or whether the Court should proceed in another fashion. (*Id.*)

1 Accordingly, the Court hereby ORDERS:

2 (1) Counsel and pro se parties are directed to confer and provide the court with a joint  
3 pretrial statement by no later than **April 2, 2021**. The joint pretrial statement shall contain the  
4 following information by corresponding paragraph numbers:

5 a. A short and concise statement of the case, including the remaining legal  
6 and factual issues to be determined at trial;

7 b. A narrative written statement from each party setting forth the facts that  
8 will be offered by oral or written documentary evidence at trial;

9 c. A list of all exhibits to be offered into evidence at trial;

10 d. A list of the names and addresses of all the witnesses each party intends to  
11 call along with a short summary of anticipated testimony of each witness;

12 e. Whether the parties agree to arbitration under this district's arbitration  
13 program, and if so, whether the arbitration will be final and conclusive or the right to trial  
14 de novo will be preserved (*see* Local Rule 39.1(d));

15 f. Pursuant to 28 U.S.C. § 636(c), whether the parties' consent to having a  
16 Magistrate Judge conduct any or all remaining proceedings, including the trial, and order  
17 the entry of judgment in the case;

18 g. Whether the case should be bifurcated by trying the liability issues before  
19 the damages issues, or bifurcated in any other way;

20 h. Any other suggestions for shortening or simplifying the trial in this case;

21 i. The date the case will be ready for trial, considering Local Rule 16  
22 deadlines;

**MICHELLE L. PETERSON**  
United States Magistrate Judge